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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

KRISTY JOHNSON, vs. DR. MELVIN KAY JOHNSON,	Plaintiff, Defendant.	Case No. 2:18-cv-00511-BCW COMPLAINT AND REQUEST FOR JURY TRIAL Judge: Brooke C. Wells, Magistrate
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COMES NOW the Plaintiff, KRISTY JOHNSON, and through her undersigned counsel brings this Complaint and Request for Jury Trial (“Complaint”) against Defendant DR. MELVIN KAY JOHNSON, an individual, based upon information and belief available at the time of the filing.

I. PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Kristy Johnson, is a citizen of the State of California, residing in La Habra, California.
2. Defendant, Dr. Melvin Kay Johnson, is a citizen of the State of Utah, residing in Lehi, Utah.

3. Plaintiff brings her Complaint under federal diversity jurisdiction, 28 U.S.C. § 1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.00 USD.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2).

II. FACTUAL ALLEGATIONS

5. Defendant Dr. Melvin Kay Johnson (“Johnson” or “Father”) has been a lifelong member of the Church of Jesus Christ of Latter-Day Saints (“the Church”), and raised his children, including Plaintiff Kristy Johnson (“Kristy”) in the Church. The Church is also known as the Mormon Church or the LDS Church.

6. A key tenant of the Mormon faith is indoctrinating the youth through religious education. The Church Education System (“CES”) is the educational arm of the Church that serves to fulfill this goal. As part of this educational program, the youth of the Church are taught to strictly trust and obey men in positions of power in the Church.

7. At all relevant times, Defendant Johnson was an employee of the LDS Church, specifically, the CES.

8. Beginning in 1969, when Kristy was six years old, Johnson would regularly enter Kristy’s room at night and make unwanted sexual contact with her. Johnson would leave the room shortly thereafter. These incidents would happen frequently.

9. In addition to the sexual abuse, Johnson would frequently force Kristy to get naked before repeatedly striking her over her back, bottom and genital area. Johnson would then return and apply ointment to her genital area in order to “soothe” her. No ointment would be applied on her legs, back or bottom.

10. When Kristy was approximately six years old, her mother discovered these sexual crimes against her daughter and reported the ongoing sexual abuse to their local bishop. In accordance with church policy, this crime was handled as a matter of sin, only, and the police were not called. Following this disclosure to the local bishop, the family was moved to a new home and Johnson was given a new position in the CES at an LDS seminary building in Ogden, Utah. Johnson took Kristy to this building after school and, while there, sexually molested her on numerous occasions.

11. In approximately 1970, while living in Ogden, Utah, Kristy's mother again reported the abuse to her local bishop, Bishop Ellis McAllister. This again was treated as an ecclesiastical matter, not a crime. Following this disclosure, the family was again relocated by Johnson's employer, the Church, for so-called work reasons. They moved to Provo, Utah, where Johnson began working as a professor in the Religion Department of Brigham Young University.

12. While on the BYU campus, Johnson isolated Kristy in the confines of his office and sexually abused her on multiple occasions. These and other actions provoked another report of the abuse to the Church (and again these crimes went unreported to police). Following this disclosure in approximately 1973, the family was moved to California where Johnson began a new leadership position within the Church's CES program.

13. In California, Johnson's criminal actions escalated. Johnson isolated Kristy from the rest of the family, told her sexual jokes, and then forced her to perform oral sex on him, appearing to derive pleasure from her discomfort. Kristy recalls developing incontinence during these years.

14. In an effort to protect her sisters (who were also now being sexually abused by

Father), Kristy moved their shared bed against the wall of their bedroom and positioned the lamp table on her side of the bed so that only she would be vulnerable. Kristy frequently lost sleep staying awake to prevent her Father from entering her room and molesting her again. Many times, when Kristy inevitably fell asleep, she would wake to find her Father's hands under her pajamas, fondling her nipples or stomach, or his fingers inserted in her genitalia. Johnson was frequently breathing heavily and would move Kristy's hand to hold his genitalia.

15. The sexual assaults continued unabated. However, there was also severe physical abuse. For example, when Kristy was 15, her Father entered her room and beat her with a rod, causing extensive and severe bruising.

16. At 16, Johnson gave Kristy her own room, ostensibly as a gift. Kristy was not allowed to have a lock on the door. Once secluded in her own room, the night appearances by her Father became more frequent. Kristy was now forced to bring Johnson to climax before he would leave her alone. In an attempt to get her Father to stop the pattern of behavior, Kristy gained 40 pounds in a matter of months. The pattern of abuse stopped briefly, then resumed. Kristy was physically sick and unable to sleep at night as a result.

17. This pattern of behavior only ceased when Kristy left the family home. At 21, Kristy went on her LDS mission, ending the sexual assaults, rapes and other crimes being committed against her. While finally free from the sexual assaults etc., the devastating impacts have continued to plague her to this day.

18. Kristy was forced to return early from her mission trip after discovering that she had developed cysts on her ovaries. Upon her return, Kristy and her siblings reported Defendant Johnson's sexual assaults to the police. Johnson was not arrested; instead, he moved out of the

house. Kristy, on the other hand, was summoned to appear in front of her local stake president and chastised for involving the police in a “church matter”.

**III. FIRST CAUSE OF ACTION
SEXUAL ASSAULT AND BATTERY**

19. Plaintiff Kristy Johnson incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

20. From the time Kristy was six until the time she went on her LDS mission, she was repeatedly groped, fondled, molested, sexually assaulted, forced to perform sexual acts and raped by Defendant DR. KELVIN KAY JOHNSON in her family home, in the LDS seminary building, in Defendant Johnson’s office on the Brigham Young University campus and other places.

21. Johnson committed these acts intentionally and with the knowledge that his sexual and physical contact was unwanted, harmful and damaging to Kristy.

22. This conduct was a direct and proximate cause of severe emotional distress to Kristy.

23. As a result of the above-described conduct, Kristy has suffered, and continues to suffer, great pain of mind and body, shock, severe and extreme emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**IV. SECOND CAUSE OF ACTION
NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS**

24. Plaintiff Kristy Johnson incorporates all paragraphs of this Complaint as if fully set forth herein.

25. Since 1969, when Defendant Johnson began abusing Kristy at the age of six, Johnson, by his actions and inactions that followed, caused Kristy severe emotional distress. This emotional distress has been ongoing. Kristy's emotional distress has been, and is, triggered by Johnson's efforts to blame and shame Kristy and her mother for reporting his abusive conduct throughout the years.

26. Johnson actively concealed his crimes and by utilizing his relationships with local LDS Church leaders and hiding behind Church policy which promoted the handling of these crimes as ecclesiastical matters to be handled internally, was able to avoid any police investigation or prosecution.

27. Johnson was negligent in his actions, blame and shame practices, courses of conduct, and omissions as described hereinabove.

28. Johnson knew or should have known that emotional distress, with physical manifestations, was the likely or foreseeable result of his actions, blame and shame practices, courses of conduct, and omissions as described hereinabove.

29. Johnson's actions, including his blame and shame practices, courses of conduct, and omissions were the direct and proximate cause of Kristy's severe emotional distress with physical manifestations.

30. The emotional distress sustained by Kristy was of such nature that a reasonable person in her situation would have likely suffered similar emotional distress, with physical

manifestations.

31. As a result of the above-described conduct, Kristy has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

V. THIRD CAUSE OF ACTION
INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

32. Plaintiff Kristy Johnson incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

33. While Kristy was a teenager, Defendant Johnson frequently entered her room at night where he sexually assaulted and raped her and forced her to use her hand to bring him to completion.

34. As a result of these nightly visits, Kristy would lose sleep attempting to stay awake to prevent Johnson from touching her. When she failed to stay awake, she would frequently awaken to Johnson breathing heavily above her and putting his hands inside her pajamas to touch her genitals, grope her breasts, or worse.

35. Johnson's conduct, as described above, was extreme, intolerable, and outrageous, exceeding all bounds usually tolerated by decent society.

36. Johnson's conduct, as described above, was of the kind designed to cause severe emotional distress.

37. Johnson's actions directly and proximately caused Kristy to suffer severe emotional distress and Johnson inflicted this distress intentionally and/or with reckless disregard of the probability of causing such distress.

38. As a result of the above-described conduct, Kristy has suffered, and continues to suffer, great pain of mind and body, shock, severe and extreme emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

VI. FOURTH CAUSE OF ACTION:
SEXUAL ABUSE OF A CHILD

39. Plaintiff Kristy Johnson incorporates all paragraphs of this Complaint as if fully set forth herein.

40. From 1969 to 1981, while Kristy resided in her family home, Defendant Johnson made repeated sexual and physical contact with Kristy's breasts, vagina and anus, and forced Kristy to make oral contact with his genitalia.

41. Johnson's actions were intentional, and when confronted about his actions by family members, Defendant blamed and shamed them into not reporting his actions.

42. Johnson, by his wrongful actions, proximately caused Kristy to suffer severe and permanent emotional and mental injuries.

43. As a result of the above-described conduct, Kristy has suffered, and continues to

suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

VII. EQUITABLE RELIEF

44. Equitable relief from this Court for retributive redress and the protection of Kristy and other similarly situated members of the public by ordering Johnson to devote significant time and resources to campaign for and influence ***POLICY CHANGE*** within the Church, as follows:

- a. To campaign for and use his influence and efforts to cause that the Church change its current corporate policies regarding reporting suspected sexual assault or abuse. Upon information and belief, **the current policy** is set forth in *2010 Handbook 2: Administering the Church, Section 13.6.18*, which provides that “[i]f a leader becomes aware of physical, sexual or emotional abuse of someone during a church activity, he or she should contact the bishop immediately.” Instructions for bishops are provided in *Handbook 1:17.3.2*, which provides in pertinent part, “[i]n the United States and Canada, the Church has established a help line to assist stake presidents and bishops in cases of abuse. . . When calling the help line, leaders will be able to consult with professional counselors and legal specialists who can help answer questions and formulate steps to take. . . Leaders can obtain information about local reporting requirements through the help line. Where reporting is

required by law, the leader encourages the member to secure qualified legal advice.

To avoid implicating the Church in legal matters to which it is not a party, church leaders should avoid testifying in civil or criminal cases or other proceedings involving abuse.” *Handbook 1, State Presidents and Bishops 2010, Section 17.3.2.*

b. EDUCATE OTHERS AND CLARIFY DOUBLE-SPEAK

- i. To educate the public on how the Church handles sexual abuse, and advocate for changes to the Church’s handbook. On March 23, 2018 the Church again set forth its policy for church leaders who learn of sexual abuse. “We continue to urge our leaders to take reports of abuse very seriously. Leaders should call the Church’s abuse helpline, which has been established to assure that victims are cared for and that abuse reporting laws are strictly obeyed.”¹
- ii. Despite the specific instructions to its high-level leaders in *Handbook 1*, the Church constantly makes public statements that “[t]he Church has a zero-tolerance policy when it comes to abuse. . . We cooperate with law enforcement to report and investigate abuse.” *How the Church Approaches Abuse*, NEWSROOM (accessed on May 17, 2016). Public statements like this contradict the internal policies set forth in the Church’s *Handbook 1* and mislead members of the Church about what will happen after they report

¹ The Church of Jesus Christ of Latter-Day Saints, *Church Statement About Alleged Sexual Assault by Former Mission President*, THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS (last updated Mar. 23, 2018), <https://www.mormonnewsroom.org/article/statement-former-mission-president-alleged-abuse-joseph-l-bishop-march-2018>

sexual abuse to their bishop or stake president. Indeed, this language may lead members to believe that their bishop or stake president will report sexual abuse to the police. *Handbook 1* does not, in fact, ever instruct these leaders to report abuse to police; rather, it directs church leaders to do the opposite.

- iii. Specifically, the Church's public claim that it "cooperate[s] with law enforcement to report and investigate abuse" is contradicted by the instructions in *Handbook 1:17.3.2*, which advises the Church leaders, "[t]o avoid implicating the Church in legal matters to which it is not a party, [by not] testifying in civil or criminal cases or other proceedings involving abuse." *Id.*

c. ADVOCATE FOR THE FOLLOWING POLICY CHANGES RE SEXUAL ABUSE

- i. Because the current policies do not adequately protect sexual assault victims but rather aim to protect the Church, Kristy requests that Johnson be ordered to advocate for these policies to be changed and include the following:
- ii. Where a charge of sexual assault or abuse has been made against any agent, leader, or member of the Church, he or she shall be immediately removed from exposure to potential victims and all appropriate safeguards shall be made to keep him or her away from potential victims pending investigation.
- iii. Whenever any leader or member in the Church has reasonable suspicion of sexual assault, whether the assault happened during a "church activity" or not, this leader or member shall report the assault first to the police.

- iv. Every church member should be taught that if there is a reasonable belief that sexual abuse or sexual assault is occurring, such conduct should first be reported to the police before reporting it to a bishop or stake president.
- v. Because this culture of secrecy has been such a long-standing policy of the Church, even victims of rape, sexual assault or sexual abuse have been taught and conditioned to keep such crimes within the Church. That the Church consider forming a committee to explore the best method for teaching victims, survivors, and members about the new policy and cultural change.
- vi. That the Church bring its publicized policies on assault and abuse into conformity with its *Handbooks* (and vice versa), eliminating any contradictions and doublespeak.
- vii. Instead of directing its leaders to not cooperate with civil or criminal authorities (if the Church could in any way be implicated) in situations involving assault or abuse, there shall be an affirmative statement in both *Handbook 1* and *Handbook 2* that leaders and members shall cooperate with civil and criminal authorities in cases involving sexual assault and abuse; this includes truthfully testifying at depositions, hearings, trials and other proceedings, regardless of whether such testimony would implicate the Church.
- viii. That the Church never seek to direct, pay, or hire any agent or employee or third party to retract, oppose, or challenge the constitutionality or legitimacy

of any reform of a civil or criminal statute of limitations, mandatory abuse reporting clergy exemptions, or repeal of the clergy-penitent privilege or other laws which serve to shield sexual abusers from investigation, apprehension, prosecution, and conviction in Utah or similar legislation or law in any other state or jurisdiction.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff KRISTY JOHNSON prays for judgment against Defendant DR. MELVIN KAY JOHNSON, as follows:

1. Non-economic damages as set forth above, in an amount to be determined by the jury at the time of trial;
2. Economic damages for loss of earnings and earning capacity, and medical expenses for psychological treatment, therapy, and counseling, in an amount to be determined by the jury at the time of trial;
3. For Plaintiff's reasonable attorney's fees, costs and disbursements to the extent permitted by law;
4. Statutory/civil penalties according to law; and
5. For any other relief this Court deems just and equitable.

DATED this 27th day of June, 2018.

JAMES, VERNON & WEEKS, P.A.
Attorney for Plaintiff Kristy Johnson

By: 
Craig K. Vernon